

REMARKS

The Office Action dated 1 July 2005 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 12-28 have been renumbered as 11-27, claims 22-27 have been canceled without prejudice or disclaimer, claims 3 and 4 have been amended, claim 1 remains as previously amended, and claims 2 and 5-10 remain as originally filed. Thus, claims 1-21 are respectfully submitted for consideration by the Examiner. Applicants reserve the right to file a divisional application during the pendency of the present application to pursue the subject matter of the canceled claims of the nonelected invention.

Applicants gratefully acknowledge the indication of allowable subject matter for originally numbered dependent claims 12-19, 21, and 22, now claims 11-18, 20, and 21.

In the Office Action, the Examiner objected to the claims because claim 11 is missing. By this amendment, original claims 12-28 have been renumbered as claims 11-27 and their corresponding dependencies have been preserved. Applicants respectfully request that this objection be withdrawn.

Claims 1, 6-10, and 20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 5,996,911 to Gesk et al. ("Gesk") and claims 2-5 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gesk. Applicants respectfully traverse these rejections as applied to the currently pending claims.

Generally, Applicants note that dependent claims 6-10 and 20 depend from claim 5. Therefore, as Gesk fails to anticipate claim 5, Gesk cannot anticipate dependent claims 6-10 and 20.

Claim 1 is directed to a fuel injection valve including, *inter alia*, "a seat assembly disposed in the tube assembly proximate the second tube end," and the seat assembly includes "a securement portion." As recited, the securement portion of the seat assembly is disposed in the tube assembly.

In contrast, Gesk allegedly discloses, as labeled by the Examiner, a securement portion that is outside a tubular valve seat carrier 16. Because the labeled securement portion is located outside the seat carrier 16, it cannot be part of a seat assembly disposed in the tube assembly. Because Gesk fails to teach or suggest each and every feature of the fuel injection valve recited in claim 1, both the §§ 102 and 103 rejections should be withdrawn.

Regarding dependent claim 5, the Examiner alleged that it would be an obvious design choice to locate the at least one weld at the location specified by the claim. Applicants respectfully disagree and direct the Examiner's attention to paragraph [[0023]] of the originally filed specification.

Claims 2-21 depend from independent claim 1 and therefore are also allowable for at least the same reasons as claim 1, as well as for their additionally recited features.

CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

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